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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,982	06/29/2001	Lance W. Dover	42390P1 1008	9264
8791	7590	09/22/2004	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030				PORTKA, GARY J
ART UNIT		PAPER NUMBER		
		2188		

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/895,982	DOVER, LANCE W.
	Examiner	Art Unit
	Gary J Portka	2188

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 June 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 and 31-50 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-8 and 31-50 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 2, 7, 8, 31, 32, and 38 have been amended, claims 9-30 have been canceled, and claims 41-50 have been added by Applicant. Claims 1-8 and 31-50 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8 and 31-50 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilson et al., U.S. Patent 5,208,914.

4. As to claims 1 and 3-7, Wilson discloses an apparatus comprising request queue 301 coupled to memory 403 via memory-sensing device (see below), response queue 305, and arbiter 306 coupled thereto (see Fig. 5a and 5b, also Abstract, col. 4 lines 5-10, col. 6 lines 47-49, col. 7 lines 4-17, and col. 12 line 28 to col. 13 line 27. Any memory inherently requires a sensing device (for example, sense amps) as claimed in order to be able to read data from the memory, and therefore that any connection to the memory is coupled thereto via the sensing device. Alternatively, the crossbars and catch and hold queues shown in Fig. 5b at 401, 402, 404 and 406 may be considered the recited sensing device, since they sense requests to and data from the memory. It is further noted that unless a memory is read and written using a single bit stream use one sense amp at a time, it inherently has multiple sensing devices that substantially

concurrently sense the data as added to the claims. However, an alternative interpretation that also reads on this is simply that the memories of Wilson are disclosed as multiple-port devices, such multiple port memories having ports that concurrently operate, and thus have the memory sensing devices as claimed. Note that the parent patent of Wilson (cited therein, US Patent 5,197,130) shows more detail of the multiple memory ports and multiple concurrently operating sections in Fig. 10. The additional limitation that the arbiter transmits responses in an order based on priority is understood since the arbiter arbitrates which response is sent at any given time, thus determining the order and by definition based upon the priority.

5. As to claim 2, in Wilson the memory-sensing device comprises redundant circuitry sensing memory substantially simultaneously (see Fig. 4 at 50, Figs. 5a and 5b at 50 and 14, and sections cited hereinabove; there are memory-sensing devices that may operate in parallel for each memory 14).
6. As to claim 8, Wilson discloses request arbiter at 303, Fig. 5a.
7. As to claims 31-37, Wilson discloses the claimed invention substantially as described above with regard to claims 1-8; the arbiter determines the sequence as recited, and the memories 14 may be considered the recited partitions.
8. As to claims 38-40, Wilson discloses the claimed invention substantially as described above with regard to claims 1-8; a processor is shown at 10, memory controller as elements of 10 and 20, and I/O device at 22, Fig. 5a.
9. As to claims 41-50, the additional limitations of critical and non-critical data, storing in the queues, priority marking, etc., are all embodied within the queues and

associated arbiters as described hereinabove. Examiner further notes that these added limitations appear to be directed to the limitations of the previously non-elected invention, and thus would remove the prohibition of double patenting rejection under 35 USC 121 if a divisional was filed in response to the restriction, see MPEP 804.01.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary J Portka whose telephone number is (703) 305-4033. The examiner can normally be reached on M-F 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on (703) 306-2903. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gary J Portka
Primary Examiner
Art Unit 2188

September 19, 2004